Appln. No.: 09/539,815   MATP-557US
Amendment Dated October 8, 2004
Reply to Office Action of September 10, 2004

Remarks/Arguments:

Claims 1-10 are pending in the above-identified application.

Claims 1 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by

Nakamura et al. With regard to claim 1, the ground for rejection is overcome by the

amendments to claims 1 and 5. Basis for these amendments may be found in the specification

at page 8, lines 5-11. In particular Nakamura et al. do not disclose or suggest, "storing the

retrieved audio and video PES packets into respective video and audio buffers, wherein the

audio and video PES packets stored in the respective audio and video buffers represent

respectively different amounts of time," as required by amended claim 1. Claim 5 includes a

similar recitation.

Nakamura et al. describe an editing machine. The audio and video data are recorded

together as a multimedia bitstream. As set forth by Nakamura et al at col. 28, line 48 through

col. 29, line 17,

> The system encoder 900 is connected to the video stream buffer 400, sub-picture
> stream buffer 600, audio stream buffer 800, and the encoding system controller
> 200, and is respectively supplied thereby with the time-delayed encoded video
> stream St27, time-delayed encoded sub-picture stream St29, time-delayed
> encoded audio stream St31, and the system stream encoding parameter data
> St33. Note that the system encoder 900 is a multiplexer that multiplexes the
> time-delayed streams St27, St29, and St31 based on the stream encoding data
> St33 (timing signal) to generate title editing units (VOBs) St35.
>
> The VOB buffer 1000 temporarily stores the video objects VOBs produced by the
> system encoder 900. The formatter 1100 reads the delayed video objects VOB
> from the VOB buffer 1000 based on the title sequence control signal St39 to
> generate one video zone VZ, and adds the volume file structure VFS to generate
> the edited multimedia stream data St43.
>
> The multimedia bitstream MBS St43 edited according to the user-defined scenario
> is then sent to the recorder 1200. The recorder 1200 processes the edited
> multimedia stream data St43 to the data stream St45 format of the recording

        medium M, and thus records the formatted data stream St45 to the recording medium M.

This passage clearly requires that the audio and video streams be multiplexed and formed into video objects before they are stored on the recording medium, requiring that the audio and video data be recorded together on the recording medium. These packets are retrieved, the audio and video data is separated and the audio data is stored in buffer 2800 while the video data is stored in buffer 2600. Because the Nakamura et al. patent concerns a video editing machine, it would not make sense for the audio and video buffers to hold data representing different amounts of time. A time editing unit (VOB) necessarily represents the same amount of audio and video time. To do otherwise would allow the audio and video information to 'all out of synchronization. Furthermore, Nakamura et al. explicitly require that the lengths o' the decoded audio and video streams both correspond to a "specified presentation time." Thus, Nakamura et al. does not meet the limitation of claims 1 and 5 that the stored video and audio PES packets represent respectively different amounts of time.

        The subject invention as defined by claims 1 and 5 has a significant advantage over Nakamura et al. because it stores audio and video PES packets representing respectively different amounts of time. As described at page 5, line 31 through page 6, line 14, this feature of the invention allows it to mitigate the disruption caused by soft errors. Because Nakamura et al. do not disclose or suggest the limitations of claims 1 and 5, claims 1 and 5 are not subject to rejection under 35 U.S.C. § 102(b) as being anticipated by Nakamura et al.

        Claims 2, 3 and 6 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Nakamura et al. in view of Tamura et al. With regard to claims 2, 3 and 6, the ground for rejection is respectfully traversed. In particular, neither Nakamura et al., Tamura et al., ror their combination disclose or suggest buffers storing audio and video PES packets representing

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respectively different amounts of time as required by claims 1 and 5, from which claims 2, 3 and 6 variously depend. Nakamura et al. is described above. Tamura et al. describes an audio reproduction or recording device having a pause function. Tamura et al. can not disclose or suggest recording video data at all, much less buffers that store audio and video data representing respectively different amounts of time. Thus, Tamura et al. do not provide the material that is missing from Nakamura et al. Claims 2 and 3 include all the limitations of claim 1 from which they depend. Claim 6 includes all the limitations of claim 5 from which it depends. Therefore, claims 2, 3 and 6 are not subject to rejection under 35 U.S.C. § 103 (a) as being unpatentable over Nakamura et al in view of Tamura et al. for at least the same reasons as claims 1 and 5.

Claim 7 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Nakamura et al in view of Tamura et al. and in further view of Fujita. With regard to claim 7, the ground for rejection is respectfully traversed. In particular, neither Nakamura et al., Tamura et al., Fujita nor their combination disclose or suggest audio and video buffers that store PES packets representing respectively different amounts of time, as required by claim 5 from which claim 7 depends. Nakamura et al. and Tamura et al. are described above. Fujita describes a recording medium, apparatus and method of recording data on the recording medium. Fujita also describes apparatus and method of reproducing data from the recording medium. Like Nakamura et al., Fujita does not disclose or suggest audio and video buffers that hold audio and video data representing respectively different amounts of time. Also like Nakamura et al., Fujita describes buffers that store data representing the same amount of time. (See col. 10, line 56 to column 11, line 46). Because Fujita does not provide the material that is missing from Nakamura et al. and Tamura et al., neither claim 5 nor claim 7 which depends from it is subject to rejection under 35 U.S.C. § 103(a) in view of Nakamura et al., Tamura et al., and Fujita.

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Applicants appreciate the indication in the Office Action that claims 4 and 8-10 would be allowable if amended to be independent and to include all of the limitations of their base claims and any intervening claims. Because, as described above, claims 1 and 5 are in condition for allowance, no amendment to claims 4 and 8-10 is needed.

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the objections to claims 4 and 8-10 and the rejection of claims 1-3 and 5-7.

Respectfully submitted,

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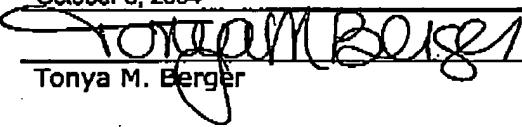Attorney(s) for Applicant(s)

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Dated: October 8, 2004

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October 8, 2004

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